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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204404
Party	Defendant Vincent Motors LLC
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Date	02/19/2015
Attachments	Answer to Amended VINCENT Opposition.pdf(80330 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<u>DAVID M. HOLDER,</u>)	
)	
Opposer,)	
)	Opposition No. 91204404
v.)	
)	
VINCENT MOTORS LLC,)	
EICHER MOTORS LTD.)	
)	
<u>Applicant.</u>)	

ANSWER TO AMENDED NOTICE OF OPPOSITION

Applicants Vincent Motors LLC and Eicher Motors Ltd. (collectively, “Applicant”), in Answer to David M. Holder’s (“Opposer”) Amended Notice of Opposition, hereby state as follows:

As set forth in the first unnumbered paragraph of the Amended Notice of Opposition, Applicant admits that Application Serial No. 85/397317 was filed on August 13, 2011 for the mark VINCENT and that said application was filed pursuant to 15 U.S.C. § 1051(b) and published for opposition on January 31, 2012. The application was assigned to Eicher Motors Ltd. on May 21, 2014 and recorded with the USPTO at Reel/Frame 5307/0871 on June 23, 2014. Applicant denies that Opposer will be damaged by registration of Application Serial. No. 85/397317. Applicant has insufficient information to admit or deny the truth of the remaining allegations set forth in the first unnumbered paragraph of the Amended Notice of Opposition, and therefore denies the same.

1. Applicant admits that Opposer obtained a 30-day extension of time to oppose the Application on February 29, 2012 and that the original Notice of Opposition was filed within the 30 day extension period.

2. Applicant denies the allegations set forth in paragraph 2 of the Amended Notice of Opposition, and therefore denies the same.

3. Applicant has insufficient information to admit or deny the truth of the allegations set forth in paragraph 3 of the Amended Notice of Opposition, and therefore denies the same.

4. Applicant denies the allegations set forth in paragraph 4 of the Amended Notice of Opposition.

5. Applicant denies the allegations set forth in paragraph 5 of the Amended Notice of Opposition.

6. Applicant admits that Application Serial No. 85/397317 is for the mark VINCENT covering motorcycle helmets, motorcycles, and structural parts therefor as set forth in paragraph 6 of the Amended Notice of Opposition, but denies the remaining allegations therein.

7. Applicant denies the allegations set forth in paragraph 7 of the Amended Notice of Opposition.

8. Applicant denies the allegations set forth in paragraph 8 of the Amended Notice of Opposition.

AFFIRMATIVE DEFENSES

In further answer to the Amended Notice of Opposition, Applicant states as follows:

1. The Amended Notice of Opposition fails to state a claim on which relief can be granted.

2. Opposer has not engaged in use in commerce of its alleged mark in the United States.

3. To the extent Opposer can establish rights in its alleged mark, Opposer has abandoned these rights.

4. There is no likelihood of confusion between Applicant's mark and Opposer's alleged mark.

5. Applicant's mark is not dilutive of the distinctive quality of Opposer's alleged mark in that Opposer cannot prove that its mark is famous and cannot prove a likelihood of dilution.

6. Opposer's relief is barred by the doctrine of unclean hands.

7. Opposer's claims are barred by the doctrine of laches, estoppel and/or waiver.

8. Applicant reserves the right to raise additional affirmative defenses as may become known and apparent during the course of discovery.

Wherefore, Applicant prays that the Amended Notice of Opposition be dismissed in its entirety with prejudice and that the Trademark Trial and Appeal Board grants such other relief as it deems just and proper.

Respectfully submitted,

ARENT FOX LLP



Dated: February 19, 2015

By: _____

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*Attorneys for Vincent Motors LLC and Eicher
Motors Ltd.*

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing Answer to Amended Notice of Opposition was served upon the following attorney for record for Opposer by email (as agreed by the parties), this 19th day of February 2015:

GREGOR N NEFF
LAW OFFICE OF GREGOR N NEFF
489 FIFTH AVENUE
NEW YORK, NY 10017

A handwritten signature in black ink, appearing to read 'Luna Samman', written in a cursive style.

Luna M. Samman